

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:13-00320

REGINALD B. BENNETT

FIFTH SUPPLEMENTAL RESPONSE OF THE UNITED STATES OF AMERICA
TO DEFENDANT'S STANDARD DISCOVERY REQUESTS, AND
REQUEST OF THE UNITED STATES FOR RECIPROCAL DISCOVERY

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, Rule 16.1(a) of the Local Rules of Criminal Procedure, and the Arraignment Order and Standard Discovery Request entered by the Court in this case on December 31, 2013, the United States of America, by counsel, herewith supplements its response as follows:

Request D: Furnish the defendant with a copy of defendant's prior criminal record that is within the government's possession, custody, or control if the attorney for the government knows--or through due diligence could know--that the record exists. [Fed. R. Crim. P. 16(a)(1)(D)]

Response: Enclosed are copies of the following:

1. Prior criminal history received from State of Maryland, Department of Public Safety and Correctional Services, Division of Parole and Probation regarding Reginald B. Bennett (BENNETT - 00177 - 00202);

2. Prior NCIC record check of defendant (BENNETT - 00203 - 00207);

Request E: Permit the defendant to inspect and to copy or photograph books, papers, documents, data, photographs, tangible objects, building or places, or copies or portions of any of those items, if the item is within the government's possession, custody or control, and (i) the item is material to preparing the defense; (ii) the government intends to use the item in its case-in-chief at trial; or (iii) the item was obtained from or belongs to defendant. [Fed. R. Crim. P. 16(a)(1)(E)]

Response: Enclosed are copies of the following:

1. Narrative of search warrant prepared by BATFE Rob Cunningham (BENNETT - 00167 - 00174);
2. A copy of the Carter County Detention Center jail calls (Disc #3) between defendant and Jennifer Allen (BENNETT - 00175 - 00176);
3. Transcription of three recorded telephone jail calls (BENNETT - 00208 - 00228);
4. Application for Search Warrant, Affidavit and attachments, Search Warrant and attachments, as well as the Motion to Seal and Sealed Order relating to Case No. 2:14-mj-00014 (BENNETT - 00229 - 00259);
5. Forensic Laboratory Case Submission Forms and Charleston Police Department Firearms Trace Forms (BENNETT - 00260 - 00268);

6. Firearms Trace Summary dated January 9, 2014 (BENNETT - 00269); and

7. Audio of recorded jail calls from the Carter County Detention Center.

REQUEST OF THE UNITED STATES FOR RECIPROCAL DISCOVERY

Pursuant to Rules 16.1(b) and 16.1(d) of the Local Rules of Criminal Procedure, the United States of America requests that defendant provide all applicable reciprocal discovery within 14 days of the service of this response and the provision of materials requested by defendant in the Standard Discovery Request.

Respectfully submitted,

R. BOOTH GOODWIN II
United States Attorney

By:

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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing "FIFTH SUPPLEMENTAL RESPONSE OF THE UNITED STATES OF AMERICA TO DEFENDANT'S STANDARD DISCOVERY REQUESTS, AND REQUEST OF THE UNITED STATES FOR RECIPROCAL DISCOVERY" has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing this 20th day of February, 2014 to:

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